

In re: Application of Kreuwel et al.
Serial No.: To be assigned
Attorney Docket No. 9310-38
Page 4

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- (i) optionally heating the container by moving a heatblock into close proximity with the containers,
 - (j) optionally removing an appropriate amount of elution buffer from the device,
 - (k) repeat step (b),
 - (l) move the magnets in a vertical direction to a position above the fluid level, and
 - (m) collect the elution buffer with the isolated nucleic acid container therein.

REMARKS

Attached hereto is a marked-up version of the changes made to the specification and claims (entitled "Marked-up Version to Show Changes Made") by the current amendment. Applicants respectfully submit that the claims have been amended in a non-narrowing manner to better conform to U.S. practice.

Applicants respectfully submit that this application is in condition for examination, which action is respectfully requested.

Respectfully submitted,

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Lucille H. Gillette
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In re: Application of Kreuwel et al.
Serial No.: To be assigned
Attorney Docket No. 9310-38
Page 5

MARKED UP VERSION TO SHOW CHANGES MADE

In the Title:

Device and Method for Mixing Magnetic [Particals] Particles with a Fluid

In the Claims:

3. (Amended) Method according to [claim 1 or 2] claim 1, wherein, as a result of moving either the magnets or the containers, the containers are repeatedly moved between two magnets that face each other with the same pole.

4. (Amended) Method according to [any of claims 1-3] claim 1, wherein the magnets are moved with respect to the position of the containers or the containers are moved with respect to the position of the magnets in such a way that the magnetic or (super)paramagnetic particles are moved [trough] through the fluid to one side of the container by bringing a first magnet with its magnetic pole close to the wall of the container and, subsequently are moved to the opposite side by bringing a second magnet close to the opposite wall of the container, whereby said second magnet has the same magnetic pole as the first magnet.[.]

5. (Amended) Method according to [any of preceding claims] claim 1, wherein the magnets are moved with respect to the containers.

7. (Amended) Device according to [any of claims 1-6] claim 1, the device being provided with a heat block that is positioned in such a way that it can be moved into close proximity with the containers so as to warm their contents, and moved away again.

10. (Amended) Device according to [any of claims 1-9] claim 1, wherein magnets can be moved back and forth on straight parallel paths along opposite sites of

In re: Application of Kreuwel et al.
Serial No.: To be assigned
Attorney Docket No. 9310-38
Page 6

each container in such a way that the direction of the magnetic field in each container is repeatedly reversed.

12. (Amended) Device according to [any of claims 1-11] claim 1, wherein the magnets can also be moved in a vertical direction so as to be positioned at different heights with respect to the walls of the containers.

13. (Amended) Device according to [any of claims 1-12] claim 1, wherein the containers are part of a closed system.

14. (Amended) Device according to [any of claims 1-13] claim 1, wherein the containers are tube-shaped vessels provided with a tip with a smaller diameter.

15. (Amended) [Use of a device of any of claim 6-13] Device according to claim 1, wherein, in operation, the device is configured to isolate [in a method for the isolation of] nucleic acid.

16. (Amended) Method for the isolation of nucleic acid from starting material comprising the following steps:

- (a) bringing [the] starting material together with an appropriate lysis buffer and magnetisable [silica] particles into at least one container [one or more containers of a device according to claim 11],
- (b) mixing the [ingredient of the vessels] content of the at least one container by moving [the] a magnet array with respect to the containers in such a way that the direction of the magnetic field [in] associated with [each] the at least one container is repeatedly reversed for a sufficient amount of time with the magnets at a height that is adjusted to the volume of the sample,
- (c) collecting the particles at a wall of the container using the magnets,
- (d) removing most of the sample liquid from the device,

In re: Application of Kreuwel et al.
Serial No.: To be assigned
Attorney Docket No. 9310-38
Page 7

- (e) adding a sufficient amount of washing buffer to the device,
- (f) repeating step (b) to (d),
- (g) adding a suitable amount of elution buffer to the device,
- (h) drawing the particles down into the tip of the container by moving the magnets to a lower position,
- (i) optionally heating the container by moving a heatblock into close proximity with the containers[.] ,
- (j) optionally removing an appropriate amount of elution buffer from the device,
- (k) repeat step (b),
- (l) move the magnets in a vertical direction to a position above the fluid level, and
- (m) collect the elution buffer with the isolated nucleic acid container therein.